



May 24, 2017

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

[Submitted via FCC Electronic Comments Filing System]

Re: NOTICE OF EX PARTE on CTIA's PETITION FOR RECONSIDERATION PS Docket 15-91 Improving Wireless Emergency Alerts and Community-Initiated Alerting; PS Docket 15-94 Amendment to Part 11 of the Commission's Rules Regarding the Emergency Alert System.

Dear Secretary Dortch:

On May 23, 2017, representatives of the New York City Emergency Management Department ("NYCEM") and the New York City Department of Information Technology and Telecommunications ("DoITT") participated in an *Ex Parte* conversation on the above referenced matters with Zenji Nakazawa, Public Safety, Homeland Security and Consumer Protection Legal Advisor to Chairman Pai.¹ A summary of our discussion is found on the following pages.

NYCEM sincerely appreciates the Commission's ongoing efforts to improve Wireless Emergency Alerts and looks forward to continuing to work with the Commission in crafting and implementing the regulatory changes necessary to enhance this critical system. Further communication on this matter may be directed to the undersigned.

Respectfully submitted,

/s/

Benjamin J. Krakauer, MPA
Assistant Commissioner, Strategy & Program Development

¹ **NYCEM Participants** – Benjamin J. Krakauer, Assistant Commissioner for Strategy and Program Development; Rachel Sulaymanov, Director of Intergovernmental Affairs; **DoITT** – Priya Shrinivasan, Assistant Commissioner for Telecommunications Planning and Resiliency; Zachary Gold, Telecommunications Policy Coordinator.





PETITION FOR RECONSIDERATION

Embedded References / URLs

NYCEM reiterated our opposition to any further delay with respect to the ability for alert originators to include embedded references, most notably URLs, in WEA messages. As the Commission is aware, NYCEM utilized the WEA system three times in response to the September 17, 2016 bombing in Manhattan's Chelsea neighborhood, including a citywide message at the request of law enforcement enlisting the public's support in locating the alleged perpetrator. Due to the limitations of the WEA system, that citywide message was unable to include a photograph and/or a link to a photograph of the alleged perpetrator. Instead, our message directed consumers to "see media for pic".

Following NYCEM's use of the WEA system, the City commissioned a study to receive feedback from the public on our use of the WEA system, inform future practices, and support our on-going advocacy efforts to improve the WEA system for the nation. While 89% of survey respondents found our use of the WEA system to be appropriate, only 45% of respondents indicated that they subsequently sought out the photograph via other media sources.² The inclusion of a specific link would likely have increased the number of consumers who viewed the photograph and, thus, increased the chances that a consumer would have recognized the suspect. Given today's threat environment and the limitations of the WEA system, it is absolutely critical that alert originators have the ability to include URLs that direct consumers to additional information during an emergency.

Further, NYCEM emphasized that CTIA's central argument surrounding the need for delayed implementation of URL inclusion is entirely unsupported in the Petition for Reconsideration. Neither CTIA's petition nor the full record offers any evidence that the inclusion of URLs will lead to network congestion. Instead, CTIA's petition references various website failures which are beyond the responsibility of CMSPs.³ Regardless of whether network traffic is directed to a particular website via an alert originator-provided link or via individual consumer behavior, the CMSP networks are being utilized. Absent evidence to the contrary and in consideration of the robust public record on this matter, NYCEM strongly urges the Commission to uphold the Report and Order as written.

Embedded References on Feature Phones ("non-smart" devices) & Existing Devices

NYCEM restated its position that embedded references should be included on all devices, including those that are not internet capable. It would be inequitable for a consumer's decision to purchase a feature phone over a smartphone (which may be related to the relative price) to limit the amount and type of information that the consumer receives in a WEA message. While the consumer may be unable to access the information via phone by an included link, the consumer has the option of entering the URL into another internet-capable device. By arbitrarily not including the link, the same consumer is precluded from utilizing that same option.

² *Survey Findings & Analysis: Emergency Alerts Survey*, Global Strategies Group, September 28, 2016. (Note: margin of error: +/- 4.9% at 95% confidence interval).

³ Petition for Reconsideration of CTIA, December 1, 2016 at 2-7.



NYCEM strongly disagrees with CTIA’s request that “support for embedded references can only be implemented on new devices”⁴ While NYCEM appreciates that the CMSPs do not have any direct control over the various device manufacturers, they do share strong, interdependent business relationships. As such, NYCEM believes that it is more than reasonable for the CMSPs to work with the device manufacturers on developing and distributing the necessary software changes to support embedded references on devices that are already in the marketplace. NYCEM noted that device manufacturers routinely deploy operating system software updates for a variety of reasons. There is no reason that the necessary operating system changes to support embedded references could not be packaged in a future update that is distributed to existing consumer devices.

Support for Spanish-Language Alerting

NYCEM reiterated its position that the ability for alert originators to distribute messages in Spanish is of critical importance and should not be delayed beyond two years. While NYCEM fully recognizes that messaging in Spanish will require a greater number of characters than the equivalent English message this, alone, is not a reasonable reason to delay implementation. Instead, the Commission should uphold the compliance timeframe specified in the Report and Order and allow alert originators to determine how best to implement Spanish-language alerting for their jurisdiction. NYCEM notes that there are a number of options available to alert originators including, but not limited to:

- Distributing one message in English and one message in Spanish to the same alert area.
- Solely distributing a Spanish message (as may be appropriate based on the location of an emergency and the alert originators knowledge of an area’s demographic makeup).
- Distributing an alternate message in Spanish with a message detailing where the consumer may obtain additional, specific information.

⁴ Petition for Reconsideration of CTIA, December 1, 2016 at 9.